

Notice relating to the Personal Data (Privacy) Ordinance (the “Ordinance”)

The Hongkong and Shanghai Banking Corporation Limited ("**we**", "**us**", "**our**", including our successors and assigns)

Question:

1. Why do we need to collect your data?

Answer:

- i. We may collect the data of customers and other individuals for the purposes set out in this Notice. These customers and other individuals may include the following or any of them (collectively "**you**", "**your**"):
 - ▶ applicants for banking or financial services;
 - ▶ persons giving or proposing to give guarantees or security for obligations owed to us;
 - ▶ persons linked to a customer or an applicant that is not an individual, including the beneficial owners and officers of that customer or applicant, or in the case of a trust, including the trustees, settlors, asset contributors, protectors and beneficiaries of the trust; and
 - ▶ other persons who are relevant to a customer's relationship with us.
- ii. If the data requested by us is not provided, we may be unable to provide (or continue to provide) products or services to you or to the relevant customer or applicant linked to you.
- iii. Data may be:
 1. collected from you directly, from someone acting on your behalf or from another source; and
 2. combined with other data available to members of the HSBC Group ("**HSBC Group**" and any "**member of the HSBC Group**" means HSBC Holdings plc and/or its affiliates, subsidiaries, associated entities and any of their branches and offices).

Question:

2. For what purposes can data be used?

Answer:

We will use data for the following purposes or any of them which may vary depending on the nature of your relationship with us:

- i. considering and processing applications for products and services and the daily operation of products and services (including credit facilities provided to you or the relevant customer linked to you);
- ii. conducting credit checks whenever appropriate (including upon an application for consumer credit (including mortgage loans) and when we review credit which normally takes place one or more times each year);
- iii. creating and maintaining our credit and risk related models;
- iv. assisting other financial institutions to conduct credit checks and collect debts;
- v. ensuring your ongoing credit worthiness and good standing;
- vi. designing financial products and services (including insurance, credit card, securities, commodities, investment, banking and related products and services) for your use;
- vii. marketing products, services and other subjects as described in the answer to question 4 "Will we use data in direct marketing?" below;
- viii. determining the amount of indebtedness owed to or by you;
- ix. exercising our rights under contracts with you, including collecting amounts outstanding from you;
- x. meeting our obligations, requirements or arrangements or those of any member of the HSBC Group, whether compulsory or voluntary to comply with, or in connection with:
 1. any law, regulation, judgment, court order, voluntary code, sanctions regime, within or outside the Hong Kong Special Administrative Region ("**Hong Kong**") existing currently and in the future ("**Laws**") (e.g. the Inland Revenue Ordinance and its provisions including those concerning automatic exchange of financial account information);
 2. any guidelines, guidance or requests given or issued by any legal, regulatory, governmental, tax, law enforcement or other authorities, or self-regulatory or industry bodies or associations of financial services providers within or outside Hong Kong existing currently and in the future (e.g. guidelines, guidance or requests given or issued by the Inland Revenue Department including those concerning automatic exchange of financial account information) and any international guidance, internal policies or procedures;
 3. any present or future contractual or other commitment with local or foreign legal, regulatory, judicial, administrative, public or law enforcement body, or governmental, tax, revenue, monetary, securities or futures exchange, court, central bank or other authorities, or self-regulatory or industry bodies or associations of financial service providers or any of their agents with jurisdiction over all or any part of the HSBC Group (together the "**Authorities**" and each an "**Authority**") that is assumed by, imposed on or applicable to us or any member of the HSBC Group; or
 4. any agreement or treaty between Authorities;
- xi. complying with any obligations, requirements, policies, procedures, measures or arrangements for sharing data and information within the HSBC Group and/or any other use of data and information in accordance with any programmes for compliance with sanctions or prevention or detection of money laundering, terrorist financing or other unlawful activities;
- xii. conducting any action to meet our obligations or those of any member of the HSBC Group to comply with Laws or international guidance or regulatory requests relating to or in connection with the detection, investigation and prevention of money laundering, terrorist financing, bribery, corruption, tax evasion, fraud, evasion of economic or trade sanctions and/or any acts or attempts to circumvent or violate any Laws relating to these matters;
- xiii. meeting our obligations or those of any member of the HSBC Group to comply with any demand or request from the Authorities;
- xiv. enabling actual or proposed assignee(s) of all or any part of our business and/or assets, or participant(s) or sub-participant(s) of our rights in respect of you to evaluate the transaction intended to be the subject of the assignment, participation or sub-participation and enabling the actual assignee(s) to use your data in the operation of the business or rights assigned;
- xv. enforcing or defending our rights or the rights of any member of the HSBC Group;
- xvi. for our internal operational requirements or those of any member of the HSBC Group (e.g. credit, market, operational risk and technology risk management, system or product development and planning, insurance, audit and administrative purposes);
- xvii. maintaining our overall relationship with you; and
- xviii. any other purposes relating to the purposes listed above.

Question:**3. Will we disclose data to other parties?****Answer:**

Data held by us or a member of the HSBC Group will be kept confidential but we or a member of the HSBC Group may provide such data to the following parties or any of them (whether within or outside Hong Kong) for the purposes set out in the answer to question 2 "For what purposes can data be used?" above:

- i. any agents, contractors, sub-contractors or associates of any member of the HSBC Group (including their employees, directors, officers, agents, contractors, service providers and professional advisers);
- ii. any third party service providers who provide services to us or any member of the HSBC Group in connection with the operation or maintenance of our business (including their employees, directors and officers);
- iii. any Authorities;
- iv. any persons under a duty of confidentiality to us or a member of the HSBC Group which have undertaken to keep such data confidential;
- v. the drawee bank providing a copy of a paid cheque (which may contain data about the payee) to the drawer;
- vi. any persons acting on your behalf, payment recipients, beneficiaries, account nominees, intermediary, correspondent and agent banks, clearing houses, clearing or settlement systems, market counterparties, upstream withholding agents, swap or trade repositories, stock exchanges, any third party fund manager who provides asset management services to you, companies in which you have an interest in securities (where such securities are held by us or any member of the HSBC Group) or any persons making any payment into a customer's account;
- vii. credit reference agencies, and, in the event of default, to debt collection agencies;
- viii. any persons to whom we are, or any member of the HSBC Group is under an obligation or required or expected to make disclosure for the purposes set out in (or in connection with, paragraphs (x), (xi) or (xii) in the answer to question 2 "For what purposes can data be used?" above);
- ix. any actual or proposed assignee(s) of ours or participant(s) or sub-participant(s) or transferee(s) of our rights in respect of you;
- x. any persons giving or proposing to give a guarantee or security to guarantee or secure your obligations to us;
- xi. any persons to whom we provide introductions or referrals at your request;
- xii. any actual or prospective transferee in connection with any business transfer, disposal, merger or acquisition of any member of the HSBC Group; and
- xiii.
 1. any member of the HSBC Group;
 2. third party financial institutions, insurers, credit card companies, securities and investment services providers, credit protection counterparties;
 3. third party reward, loyalty, co-branding and privileges programme providers;
 4. co-branding partners of ours or any member of the HSBC Group (the names of such co-branding partners will be provided during the application process for the relevant products and services, as the case may be);
 5. charitable or non-profit making organisations; and
 6. external service providers that we or any member of the HSBC Group engage(s) for the purposes set out in paragraph (vii) in the answer to question 2 "For what purposes can data be used?" above.

Such data may be transferred in and to a place outside Hong Kong.

Provision of Data to Credit Reference Agencies ("CRA") and Debt Collection Agencies

- A. We may provide the following data relating to you (whether in sole name or joint names with others) to a CRA:
 - a. full name;
 - b. capacity in respect of each mortgage (as borrower, mortgagor or guarantor);
 - c. Hong Kong Identity Card Number or travel document number or certificate of incorporation number;
 - d. date of birth or date of incorporation;
 - e. correspondence address;
 - f. mortgage account number in respect of each mortgage;
 - g. type of the facility in respect of each mortgage;
 - h. mortgage account status in respect of each mortgage (e.g. active, closed, write-off); and
 - i. if any, mortgage account closed date in respect of each mortgage.

The CRA will use the above data for the purposes of compiling a count of the number of mortgages from time to time held by you (as borrower, mortgagor or guarantor, whether in sole name or joint names with others) for sharing in the consumer credit database of the CRA by credit providers.
- B. You can instruct us to make a request to the relevant CRA to delete from its database any account data relating to any credit that has been terminated by full repayment provided that there has not been, within five (5) years immediately before such termination, a default in payment under the credit for a period in excess of sixty (60) days according to our records.
- C. If there is any default in payment, unless the amount in default is fully repaid or written off (other than due to bankruptcy order) before the expiry of sixty (60) days from the date of default, your account repayment data may be retained by the CRA until the expiry of five (5) years from the date of final settlement of the amount in default.
- D. In the event of any amount being written off due to a bankruptcy order being made against you, the CRA may retain your account repayment data until the earlier of (i) the expiry of five (5) years from the date of final settlement of the amount in default, or (ii) the expiry of five (5) years from the date of your discharge from bankruptcy as notified to the CRA by you with evidence.
- E. For the purposes of paragraphs C and D above, account repayment data are the amount last due, amount of payment made during the last reporting period, remaining available credit or outstanding balance and default data (being amount past due and number of days past due, date of settlement of amount past due, and date of final settlement of amount in material default (that is, a default in payment for a period in excess of sixty (60) days (if any)).

Question:**4. Will we use data in direct marketing?****Answer:**

Where you are a customer, we intend to use your data in direct marketing and we require your consent (which includes an indication of no objection) for that purpose. Please note that:

- i. your name, contact details, products and other service portfolio information, transaction pattern and behaviour, financial background and demographic data held by us from time to time may be used by us in direct marketing;
- ii. the following classes of products, services and subjects may be marketed:
 1. financial, insurance, credit card, banking and related products and services;
 2. reward, loyalty, co-branding or privileges programmes and related products and services;
 3. products and services offered by our co-branding partners (the names of such co-branding partners will be provided during the application for the relevant products and services, as the case may be); and
 4. donations and contributions for charitable and/or non-profit making purposes;
- iii. the above products, services and subjects may be provided by or (in the case of donations and contributions) solicited by us and/or:
 1. any member of the HSBC Group;
 2. third party financial institutions, insurers, credit card companies, securities and investment services providers;
 3. third party reward, loyalty, co-branding or privileges programme providers;
 4. co-branding partners of ours or any member of the HSBC Group (the names of such co-branding partners will be provided during the application of the relevant products and services, as the case may be); and
 5. charitable or non-profit making organisations;
- iv. in addition to marketing the above products, services and subjects ourselves, we may provide the data described in paragraph (i) above to all or any of the persons described in paragraph (iii) above for use by them in marketing those products, services and subjects, and we require your written consent (which includes an indication of no objection) for that purpose; and
- v. we may receive money or other property in return for providing the data to the other persons in paragraph (iv) above and, when requesting your consent or no objection as described in paragraph (iv) above, we will inform you if we will receive any money or other property in return for providing the data to the other persons.

If you do not wish us to use or provide to other persons your data for use in direct marketing as described above, you may exercise your opt-out right by notifying us.

Question:**5. What do you need to do when providing another person's data?****Answer:**

Where you provide to us data about another person, you should give to that person a copy of this Notice and, in particular, tell him/her how we may use his/her data.

Question:**6. What rights do you have?****Answer:**

You have the right:

- i. to check whether we hold data about you and to access such data;
- ii. to require us to correct any data relating to you which is inaccurate;
- iii. to ascertain our policies and practices in relation to data and to be informed of the kind of data held by us; and
- iv. in relation to consumer credit, to be informed on request which items of data are routinely disclosed to credit reference agencies or debt collection agencies, and be provided with further information to enable the making of an access and correction request to the relevant credit reference agency or debt collection agency.

In accordance with the provisions of the Ordinance, we have the right to charge a reasonable fee for the processing of any data access request. You should send requests for access to data or correction of data or for information regarding policies and practices and kinds of data held to:

The Data Protection Officer
 The Hongkong and Shanghai Banking Corporation Limited
 Levels 13 and 14, 1 Queen's Road Central, Hong Kong
 T +852 2899 8777
 F +852 2868 0065

We may have obtained a credit report on you from a credit reference agency in considering any application for credit. In the event you wish to access the credit report, we will advise the contact details of the relevant credit reference agency.

Nothing in this Notice shall limit your rights as a data subject under the Ordinance.

Please contact us if you have any queries about this Notice.

Note: In case of discrepancies between the English and Chinese versions, the English version shall apply and prevail.